

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

(Attorney Docket No. 14276US02)

In the Application of:

Jeyhan Karaoguz

Serial No. 10/675,382

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR MEDIA
PROCESSING PROVIDING ACCESS
TO DISTRIBUTED MEDIA VIA A
CHANNEL GUIDE

Examiner: Langhnoja, Kunal N.

Group Art Unit: 2427

Confirmation No. 6840

Electronically Filed on September 10, 2009

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from an Office Action mailed on April 7, 2009 (“Final Office Action”), in which claims 1-31 were finally rejected. The Appellant respectfully requests that the Board of Patent Appeals and Interferences (“Board”) reverse the final rejection of claims 1-31 of the present application. The Appellant notes that this Appeal Brief is timely filed within the period for reply that ends on September 10, 2009.

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

Broadcom Corporation, a corporation organized under the laws of the state of California, and having a place of business at 5300 California Avenue, Irvine, California 92617, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment recorded at Reel 014252, Frame 0931 in the PTO Assignment Search room.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

The Appellant is unaware of any related appeals or interferences.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes pending claims 1-31. Claims 1-31 were finally rejected and are the subject of this appeal.

The text of the pending claims is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

The Appellant has not amended any claims subsequent to the final rejection of claims 1-31 mailed on April 7, 2009

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

The Appellant has inserted Figs. 1B and 4 to illustrate support to claim 1.

136

137

Device View

Device	Media Content Categories					
DVD/CD Player #N	Album Title # Tracks Duration, Meta Info					
CD Jukebox Player	Album Title, #1 # Tracks, Duration, Meta Info	Album Title, #2 # Tracks, Duration, Meta Info	...			Album Title, #N # Tracks, Duration, Meta Info
Audio (MP3) Player #N	Album Title, All Tracks, Meta Info	Album Title, #2 Tracks #3, #7, Meta Info	Song Title #1, Meta Info	Audio Book Title Meta Info	Audio Notes	
Internet Radio Server #n	Station #1 Jazz	Station #2 rock	...			
Image Camera #N	Image File #1	Image File #2	Image File #3	...		
Video Image Camcorder #N	Video File #1	Video File #2	...			
Image Server #N	Image File #1	Image File #2	...			
Video Server #N	Video File #1	Video File #2	...			
Laptop/PDA/Desktop #N	Image File #1	video File #1	...			Audio File #1
Media Box	Image File #1	...	Video File #1	...	Audio File #1	...

FIG. 1B

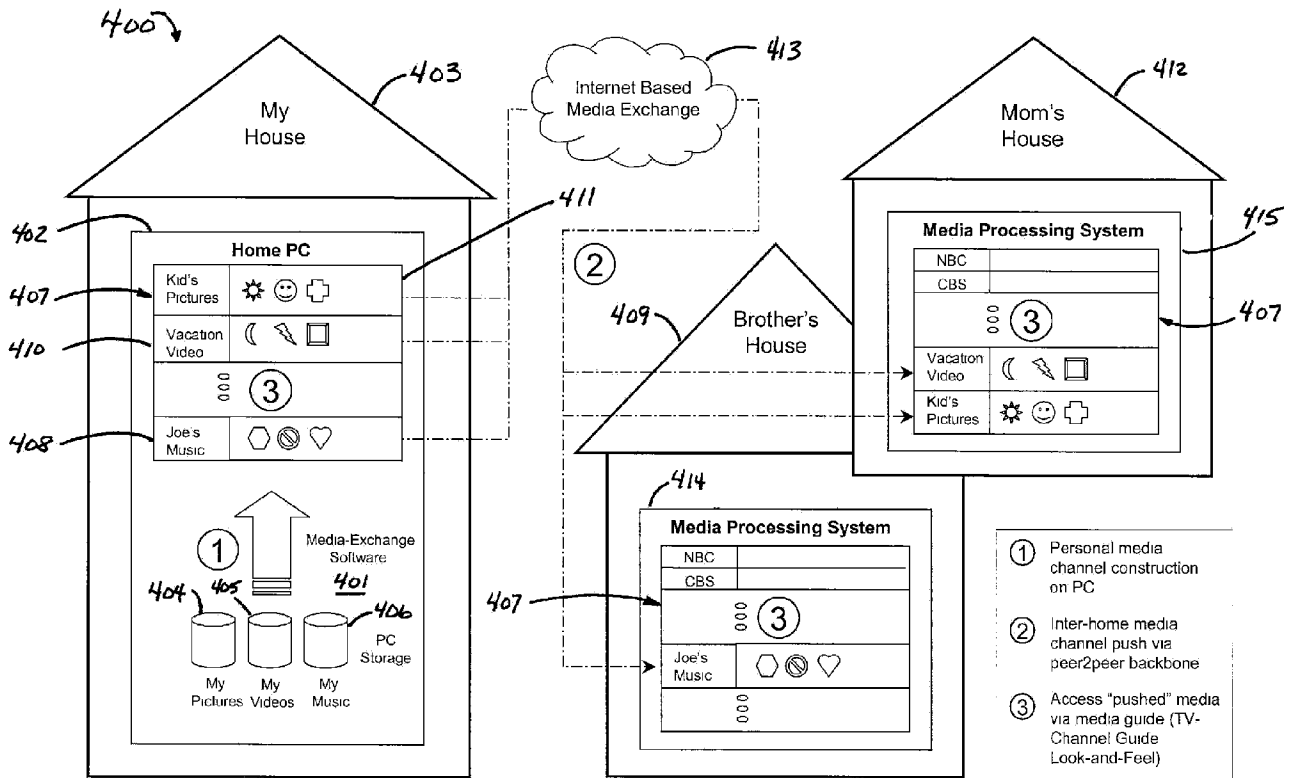


Fig. 4

For example, Appellant's Fig. 1B above discloses a constructed display view 137, indicating the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) at a plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) within a first geographical location (e.g., My house 403 in Fig. 4).

In addition, Appellant's Fig. 4 illustrates that the constructed display view of the detected available media (e.g., media channels 407-410 in Fig. 4 with device locations 136 in Fig. 1) is communicated from the first geographical location (e.g., My house 403 in Fig. 4) to a second geographical location (e.g., Brother's house 409 or Mom's house 412 in Fig. 4) via a media exchange network (communication infrastructure 304 in Fig. 3), such as an Internet media exchange 413 in Fig. 4.

The invention of claim 1 is illustratively described in, for example, the “Brief Summary of the Invention” at page 4, paragraph 54, and the corresponding description of Figs. 1A-4.

More specifically, aspects of the invention may be found in a method and system for presenting available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) for selection and playback on a television display (e.g., media processing system MPS 101 in Fig. 1, such as a set top box, a PC and/or a TV). See present application at page 4, lines 2-3. Certain embodiments of the method may comprise detecting available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) and constructing at least one display (e.g., display view 137 in Fig. 1B) indicating the availability of the detected available media at a plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) within a first geographical location (e.g., My house 403 in Fig. 4). See *id.* at page 4, lines 3-6. An indication of the plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) within a first geographical location (e.g., My house 403 in Fig. 4) for the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) may be presented in the constructed display (e.g., channel view 407 in Fig. 4). See *id.* at page 4, lines 6-7.

Appellant’s “constructing at said first geographical location, at least one display

view for display at a second geographic location, said at least one display view indicating the availability of said detected available media” may find support in, for example, paragraph 12 of the specification. For example, at least a portion of the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) at the plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) may be selected for constructing the display (e.g., media channel 408 in Brother’s house 409, media channels 407 and 410 in Mother’s house 412 in Fig. 4). *See id.* at page 4, lines 18-19.

Appellant’s “communicating at least a portion of said available media from said first geographic location to said second geographic location” may find support in, for example, paragraph 54 of the specification. For example, in another aspect of the invention, these pictures (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) may be downloaded to other appliances or devices (e.g., MPS 101 in Fig. 1, such as a set top box, a PC and/or a TV) within the home (e.g., My house 403) or at another location (e.g., Brother’s house 409 or Mom’s house 412). *See id.* at page 16, lines 19-20. For example, the user’s mother’s media processing system’s media view (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) of channel view may be automatically updated with the recently taken digital pictures. *See id.* at page 16, lines 20-22.

Claims 2-10 are dependent directly or indirectly upon independent claim 1.

The invention of claim 11 is illustratively described in, for example, the “Brief Summary of the Invention” at page 4, paragraph 54, and the corresponding description of Figs. 1A-4. For example, another embodiment of the invention may provide a machine-readable storage, having stored thereon, a computer program having at least one code section for presenting available media for selection and playback on a television display. *See id.* at page 4, lines 20-22. The at least one code section may be executable by a machine, thereby causing the machine to perform the steps as described above for presenting available media for selection and playback on a television display. *See id.* at page 4, lines 22-25.

More specifically, aspects of the invention may be found in a method and system for presenting available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) for selection and playback on a television display (e.g., media processing system MPS 101 in Fig. 1, such as a set top box, a PC and/or a TV). *See id.* at page 4, lines 2-3. Certain embodiments of the method may comprise detecting available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) and constructing at least one display (e.g., display view 137 in Fig. 1B) indicating the availability of the detected available media at a plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) within a first geographical location (e.g., My house 403 in Fig. 4). *See id.* at page 4, lines 3-6. An

indication of the plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) within a first geographical location (e.g., My house 403 in Fig. 4) for the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) may be presented in the constructed display (e.g., channel view 407 in Fig. 4). *See id.* at page 4, lines 6-7.

Appellant's "constructing at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media" may find support in, for example, paragraph 12 of the specification. For example, at least a portion of the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) at the plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) may be selected for constructing the display (e.g., media channel 408 in Brother's house 409, media channels 407 and 410 in Mother's house 412 in Fig. 4). *See id.* at page 4, lines 18-19.

Appellant's "communicating at least a portion of said available media from said first geographic location to said second geographic location" may find support in, for example, paragraph 54 of the specification. For example, in another aspect of the invention, these pictures (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) may be downloaded to other

appliances or devices (e.g., MPS 101 in Fig. 1, such as a set top box, a PC and/or a TV) within the home (e.g., My house 403) or at another location (e.g., Brother's house 409 or Mom's house 412). See *id.* at page 16, lines 19-20. For example, the user's mother's media processing system's media view (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) of channel view may be automatically updated with the recently taken digital pictures. See *id.* at page 16, lines 20-22.

Claims 12-20 are dependent directly or indirectly upon independent claim 1.

The invention of claim 21 is illustratively described in, for example, the "Brief Summary of the Invention" at page 4, paragraph 54, and the corresponding description of Figs. 1A-4. For example, another embodiment of the invention may provide a machine-readable storage, having stored thereon, a computer program having at least one code section for presenting available media for selection and playback on a television display. See *id.* at page 4, lines 20-22. The at least one code section may be executable by a machine, thereby causing the machine to perform the steps as described above for presenting available media for selection and playback on a television display. See *id.* at page 4, lines 22-25.

More specifically, certain embodiments of the system for selection and playback on a television display (e.g., media processing system MPS 101 in Fig. 1, such as a set top box, a PC and/or a TV) may comprise at least one processor (e.g., processor within the MPS 101 in Fig. 1) that detects available media (e.g., media content categories,

album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) and constructs at least one display (e.g., display view 137 in Fig. 1B) indicating the availability of the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) at a plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.). See *id.* at page 4, line 26 to page 5, line 2. The processor may be a computer processor, a media peripheral processor, a media exchange system processor, a media processing system processor or a combination thereof. See *id.* at page 5, lines 2-4. In any case, an indication of the plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) for the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) may be presented by the processor in the constructed display (e.g., display view 137 in Fig. 1B). See *id.* at page 5, lines 4-6.

Appellant's "the at least one processor constructs at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media" may find support in, for example, paragraph 12 of the specification. For example, at least a portion of the detected available media (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) at the plurality of different storage locations (e.g., device locations 136, DVD player #N, Image Server #N etc.) may be selected by the processor for constructing the display. (e.g.,

media channel 408 in Brother's house 409, media channels 407 and 410 in Mother's house 412 in Fig. 4). See *id.* at page 5, lines 17-19.

Appellant's "the at least one processor communicates at least a portion of said available media from said first geographic location to said second geographic location" may find support in, for example, paragraph 54 of the specification. For example, in another aspect of the invention, these pictures (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) may be downloaded to other appliances or devices (e.g., MPS 101 in Fig. 1, such as a set top box, a PC and/or a TV) within the home (e.g., My house 403) or at another location (e.g., Brother's house 409 or Mom's house 412). See *id.* at page 16, lines 19-20. For example, the user's mother's media processing system's media view (e.g., media content categories, album title, video file, image file etc. in Fig. 1B, and media channels 407-410 in Fig. 4) of channel view may be automatically updated with the recently taken digital pictures. See *id.* at page 16, lines 20-22.

Claims 22-31 are dependent directly or indirectly upon independent claim 1.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))

Claims 1-3, 6-9, 11-13, 16-19, 21-23, 26-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,219,839 ("Sampsell") in view of USPP 2002/0104099 ("Novak").

Claims 4, 5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sampsell and Novak in view of USPP 2002/0053081 ("Griggs").

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

REJECTION UNDER 35 U.S.C. § 103

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure, Rev. 6, Sep. 2007 (“MPEP”) states the following:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). Further, MPEP § 2143.01 states that “the mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” (citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). Additionally, if a *prima facie* case of obviousness is not established, the Appellant is under no obligation to submit evidence of nonobviousness:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the Appellant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

I. The Proposed Combination of Sampsell and Novak Does Not Render Claims 1-3, 6-9, 11-13, 16-19, 21-23, 26-29 and 31 Unpatentable

The Appellant now turns to the rejection of claims 1-3, 6-9, 11-13, 16-19, 21-23, 26-29 and 31 as being unpatentable over Sampsell in view of Novak.

A. Independent Claims 1, 11 and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 103(a), the Appellant submits that the combination of Sampsell and Novak does not disclose or suggest at least the limitation of “constructing at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media,” as recited in Appellant’s claim 1.

The Final Office Action states the following:

“With respect to Claim 1, the claimed "A method for presenting available media for selection and playback on a television display, the method comprising: detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location; and **constructing at least one display indicating the availability of said detected available media**" is met by Sampsell that teaches the use of a television receiver (12), in conjunction with a user interface, for the selection and playback of available media- whereby available media from a plurality of peripheral devices (VCR #1 14, VCR #2 16, DVD 20, LaserDisc 18) at a 1st location are detected and integrated into an

electronic program guide/ electronic resource guide (EPG/ERG) via an electronic resources guide generator (Abstract, Figs.1 & 9; col.2, lines 19-27, col.3, lines 7-15, col.4, lines 5-16, col.5, lines 11-20, col.7, lines 11-18, col.9, lines 53-61)."

See the Final Office Action at pages 2-3 (emphasis added). The Examiner equates Sampsell's Electronic Resource Guide (ERG) display **at a host's location** to Appellant's "constructed display view at a first geographical location", and the available programming located in the peripheral devices to Appellant's "**detected available media** at a plurality of different storage location" at the first geographical location.

However, the Appellant points out that Sampsell discloses that the ERG display (the alleged "constructed display view at a first geographical location"), is for viewing **at the host's location only** (the alleged first geographical location). The Examiner is referred to the following citation of Sampsell:

"Another object of the invention is to **provide a means for the programming information provided by the peripheral to be installed in an ERG** or ERG-like software environment within the host.

Another object of the invention is to **provide a means for a viewer to interact with the information displayed within the ERG or ERG-like environment.**

Yet another object of the invention is to **provide a means for the host to control the peripheral in accordance with the wishes of the viewer conveyed through the interactive means provided.**"

See Sampsell at col. 3, lines 26-36 (emphasis added). Sampsell states that the ERG environment is for enabling the host to control and to view the peripherals interactively. Sampsell, however, **does not disclose or suggest that the ERG view** (the alleged "display view at the first geographical location"), **or any portion of the**

content from the peripheral device (the alleged “detected available media”), **would be communicated outside the host location**. Consequently, the Examiner concedes the following in the Final Office Action:

“However, the reference is unclear with respect to constructing at said first geographical location , at least one display view **for display at a second geographical location**, said at least one display view indicating the availability of said detected available media;” and **“communicating at least a portion of said available media from said first geographic location to said second geographic location.”**

See the Final Office Action at page 3 (emphasis added). The Examiner looks to Novak to overcome Sampsell’s deficiencies. However, the Appellant points out that since Sampsell **does not disclose or suggest** that the ERG view (the alleged “display view at the first geographical location”), or any portion of the content from the peripheral device (the alleged “detected available media”), **would be communicated outside the host location**, **Sampsell, therefore, is not combinable with Novak to reject Appellant’s claim 1.**

The Appellant also points out that Novak’s EPG view shows only the channels and content of the channels, and it does not display the available media detected at different storage locations at the first geographical location (the location of the upload source). In other words, Novak does not disclose or suggest that the EPG (the alleged “display view at the first geographical location”) displays “available media at a plurality of locations of the media objects at the first geographical location,” as recited in Appellant’s claim 1.

Assuming, arguendo, that Sampsell can be combined with Novak to disclose the above limitation, the Examiner's argument is still deficient, since Novak does not disclose or suggest "communicating at least a portion of said available media from said first geographic location to said second geographic location," as recited in Appellant's claim 1. The Examiner states the following in the Final Office Action:

"In the similar field of endeavor, Novak teaches "constructing at said first geographical location, at least one display view for display at a second geographical location, said at least one display view indicating the availability of said detected available media (i.e. individual creating media program schedules which will be displayed to the end users);" (Figures 2-4 and 7; Paragraphs 0056-57, 0063), and

"communicating at least a portion of said available media from said first geographic location to said second geographic location (i.e. transmitting media programs via synthetic channel)." (Figures 2-3; Paragraphs 0060)."

See the Final Office Action at page 3 (emphasis added). The Appellant has inserted Novak's Fig. 2 to clarify the Appellant's arguments:

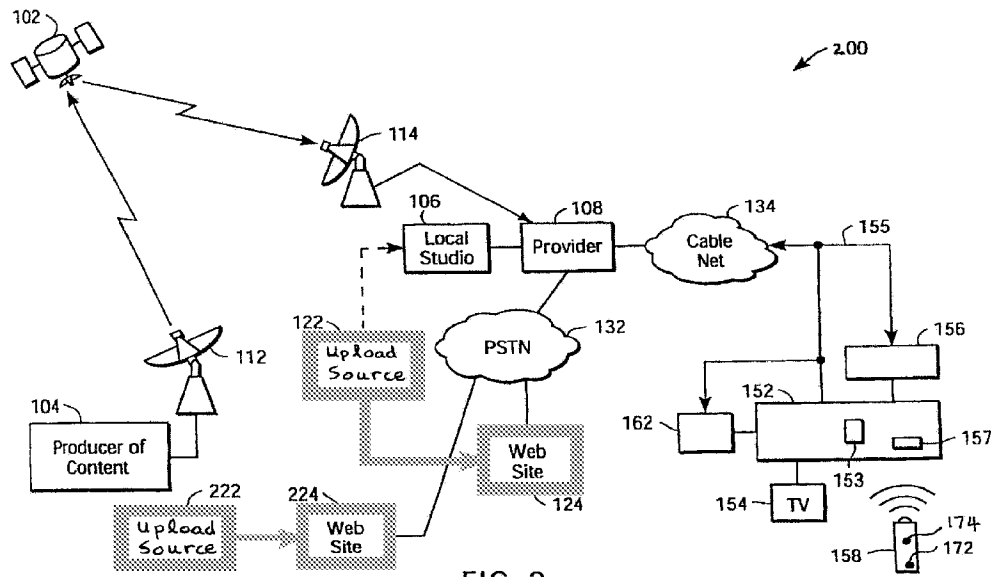


FIG. 2

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The Examiner equates Novak's synthetic channel, which displays an EPG view to an end user at TV 154 location (the alleged "second geographical location"), to Appellant's "constructed display view... for display at a second geographical location". However, the Appellant points out that Novak in Fig. 2, clearly discloses that the uploaded media objects (the alleged "available media") are uploaded from the upload source 122 or 222 (the alleged "first geographical location") **and stored in a web site server 124 or 224**. Novak does not disclose that the media objects (the alleged "available media") are communicated (unicasting or multicasting) to the end user at TV 154 location (the alleged "second geographical location"). Instead, Novak discloses that the media objects (the alleged "available media") are communicated (unicasting or

multicasting) to the end user at TV 154 location (the alleged “second geographical location”) from the **web site server** 124 or 224, which is at a different location than the upload source 122 or 222 (the alleged “first geographical location”). The Examiner is also referred to the following citation of Novak:

“Next in a block 408 of FIG. 4, **the media program is transmitted via the synthetic channel to the subscribed end user's client terminal (e.g., to the set top box 152 and television set 154), using multicasting (or unicasting) techniques**, for example. Various techniques can be used to transmit the media program to one or more client terminals of end users. With multicasting or other forms of Internet transmission, multiple subscribers can share the same band width for a channel. **A single virtual circuit (or socket) connection between the web site 124 and each individual subscriber can also be implemented in an embodiment.** It is understood that other transmission techniques may be used.”

See Novak at ¶0060 (emphasis added). The Appellant points out that Novak in the above citation clearly discloses that the media program (the alleged “available media”), are either unicasted or multicasted via the website 124 to the subscriber location at TV 154 (the alleged “second geographical location”). In this regard, **Novak still does not disclose that the media objects are communicated from the first geographical location** (the upload source 122 or 222) **to the second geographical location** (the location of the end user at TV 154), as alleged by the Examiner. Therefore, the Appellant maintains that Novak does not overcome Sampsell's above deficiencies.

Accordingly, based on the foregoing rationale, the Appellant submits that the combination of Sampsell and Novak does not establish a prima facie case of

obviousness to reject Appellant's claim 1. The Appellant submits that claim 1 is allowable. Independent claim 21 is similar in many respects to the method disclosed in independent claim 1. Therefore, the Appellant submits that independent claim 21 is also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B. Dependent Claims 2-3, 6-9, 12-13, 16-19, 22-23, 26-29 and 31

Based on at least the foregoing, the Appellant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Sampsell in view of Novak has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-3, 6-9, 12-13, 16-19, 22-23, 26-29 and 31 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above with regard to the allowability of claim 1.

C. Dependent Claims 6, 16 and 26

The Examiner states the following at page 4 of the Final Office Action:

"With respect to Claim 6, Sampsell and Novak, the combination teaches everything claimed (see claim 1). The claimed "comprising **querying** one of a provider of media and at least one storage device at said plurality of different storage locations for said available media" is met by Sampsell that teaches **using an ERG in recognizing new A/V peripherals that have been added to the local network**, integrating information **identifying such peripherals**, and **displaying the information** in such a

way as to enable a user to control/view programming provided by the peripherals (co1.2, lines 19-27; col.3, lines 7-15)."

The Examiner equates Appellant's "querying" the media provider or storage device to Sampsell's "recognizing, identifying and displaying" the peripherals (the alleged storage device") information. The Appellant respectfully disagrees, and points out that Sampsell's "recognizing, identifying and displaying" the "known or available" media on the peripherals (the alleged storage device"), which are all displayed in view on the ERG. In this regard, since the media on the peripherals are already "known or in view" via the ERG, there is no querying of available media from the peripherals, as alleged by the Examiner. Claim 6 is therefore submitted to be allowable. Claims 16 and 26 are rejected under the same rationale as claim 6, and therefore, is also submitted to be allowable.

II. The Proposed Combination of Sampsell, Novak and Griggs Does Not Render Claims 4, 5, 10, 14, 15, 20, 24 and 30 Unpatentable

Based on at least the foregoing, the Appellant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Sampsell in view of Novak has been overcome and requests that the rejection be withdrawn. Additionally, Griggs does not overcome the above deficiencies of Sampsell and Novak. Claims 4, 5, 10, 14, 15, 20, 24 and 30 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be

allowable at least for the reasons stated above with regard to the allowability of claim 1.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-31.

CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-31 are in condition for allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge \$540 (to cover the Brief on Appeal Fee) and any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: September 10, 2009

/ Frankie W. Wong /

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CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1. A method for presenting available media for selection and playback on a television display, the method comprising:

detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location;

constructing at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media; and

communicating at least a portion of said available media from said first geographic location to said second geographic location.

2. The method according to claim 1, comprising presenting an indication of said plurality of different storage locations for said detected available media in said at least one constructed display view.

3. The method according to claim 2, wherein said presented indication is one or more of text format, graphic format and/or audio format.

4. The method according to claim 2, comprising identifying at least one content category that is associated with said detected available media.

5. The method according to claim 4, comprising associating said presented indication of said plurality of different storage locations for said detected available media

with said at least one content category.

6. The method according to claim 1, comprising querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media.

7. The method according to claim 1, comprising acquiring said available media from one or both of a media content provider and/or a media storage device.

8. The method according to claim 1, comprising displaying said constructed at least one display view on the television screen.

9. The method according to claim 1, comprising formatting said constructed at least one display view in a graphical user interface.

10. The method according to claim 1, comprising selecting at least a portion of said detected available media at said plurality of different storage locations for said construction of said at least one display view.

11. A machine-readable storage having stored thereon, a computer program having at least one code section for presenting available media for selection and playback on a television display, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location;

constructing at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media; and

communicating at least a portion of said available media from said first geographic location to said second geographic location.

12. The machine-readable storage according to claim 11, comprising code for presenting an indication of said plurality of different storage locations for said detected available media in said at least one constructed display view.

13. The machine-readable storage according to claim 12, wherein said presented indication is one or more of text format, graphic format and/or audio format.

14. The machine-readable storage according to claim 12, comprising code for identifying at least one content category that is associated with said detected available media.

15. The machine-readable storage according to claim 14, comprising code for associating said presented indication of said plurality of different storage locations for said detected available media with said at least one content category.

16. The machine-readable storage according to claim 11, comprising code for querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media.

17. The machine-readable storage according to claim 11, comprising code for acquiring said available media from one or both of a media content provider and/or a media storage device.

18. The machine-readable storage according to claim 11, comprising code for displaying said constructed at least one display view on the television screen.

19. The machine-readable storage according to claim 11, comprising code for formatting said constructed at least one display view in a graphical user interface.

20. The machine-readable storage according to claim 11, comprising code for selecting at least a portion of said detected available media at said plurality of different storage locations for said construction of said at least one display view.

21. A system for presenting available media for selection and playback on a television display, the system comprising:

at least one processor that detects, at a first geographic location, available media at a plurality of different storage locations within said first geographic location;

said at least one processor constructs at said first geographical location, at least one display view for display at a second geographic location, said at least one display view indicating the availability of said detected available media; and

said at least one processor communicates at least a portion of said available media from said first geographic location to said second geographic location.

22. The system according to claim 21, wherein said at least one processor presents an indication of said plurality of different storage locations for said detected available media in said at least one constructed display view.

23. The system according to claim 22, wherein said presented indication is one or more of text format, graphic format and/or audio format.

24. The system according to claim 22, wherein said at least one processor identifies at least one content category that is associated with said detected available media.

25. The system according to claim 24, wherein said at least one processor associates said presented indication of said plurality of different storage locations for said detected available media with said at least one content category.

26. The system according to claim 21, wherein said at least one processor queries one of a provider of media and at least one storage device at said plurality of different storage locations for said available media.

27. The system according to claim 21, wherein said at least one processor acquires said available media from one or both of a media content provider and/or a media storage device.

28. The system according to claim 21, wherein said at least one processor causes said constructed at least one display to be displayed view on the television screen.

29. The system according to claim 21, wherein said at least one processor formats said constructed at least one display view in a graphical user interface.

30. The system according to claim 21, wherein said at least one processor selects at least a portion of said detected available media at said plurality of different storage locations for said construction of said at least one display view.

31. The system according to claim 21, wherein said at least one processor is one or more of a computer processor, a media peripheral processor, a media exchange system processor and a media processing system processor.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

- (1) USP 6,219,839 (“Sampsell”), entered into record by the Examiner in the April 7, 2009 Final Office Action.
- (2) USPP 2002/0104099 (“Novak”), entered into record by the Examiner in the April 7, 2009 Final Office Action.
- (3) USPP 2002/0053081 (“Griggs”), entered into record by the Examiner in the April 7, 2009 Final Office Action.

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

The Appellant is unaware of any related appeals or interferences.